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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-seventh session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child

Monaco

1. The Committee considered the initial report of Monaco (CRC/C/28/Add.15) at its 717th and 718th meetings (see CRC/C/SR.717 and 718), held on 5 June 2001, and adopted, at the 721st meeting, held on 8 June 2001, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report and the written replies to its list of issues (CRC/C/Q/MON/1). The Committee notes the constructive dialogue it had with the delegation of the State party and the detailed replies provided.

B. Positive aspects

3. The Committee notes the very positive implementation of most of the rights of the child within the State party and the fact that, in most areas, all children enjoy their rights without discrimination.

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4. The Committee notes in particular an effective social security system covering persons in remunerated work.

5. The Committee welcomes the State party's ratification of the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

6. The Committee notes the wide dissemination of copies of the Convention to all students in the State party. The Committee notes, in addition, the significant efforts made by the State party to provide programmes concerning such problems as drug abuse and the spread of HIV/AIDS to pupils in school.

C. Factors and difficulties impeding the implementation of the Convention

7. The Committee notes the difficulties posed by the presence within the total population of children living in the State party of an extremely large number of different nationalities, cultures and languages.

D. Principal subjects of concern, suggestions and recommendations

1. General measures of implementation

Legislation

8. The Committee is concerned that some legislative provisions are not in full conformity with provisions of the Convention.

9. The Committee recommends that the State party proceed with efforts to amend domestic legislation with a view to ensuring full respect for the provisions of the Convention. Noting ongoing efforts to change domestic legislation with regard to nationality, the Committee recommends withdrawal of the State party's reservation in this regard. The Committee recommends, in addition, that the State party pursue its current efforts towards ratification of the Convention on the Elimination of All Forms of Discrimination against Women.

Declaration/reservation

10. The Committee is concerned at the State party's declaration and reservation made upon ratification of the Convention.

11. The Committee welcomes the State party's indication of its intention to withdraw its declaration made upon ratification of the Convention and its willingness to consider withdrawal of its reservation.

Child rights policy formulation and coordination

12. The Committee is concerned that the State party does not have a clear child rights policy or take a rights-based approach to implementing the Convention, and that there is no single mechanism with responsibility for coordinating implementation of the Convention.

13. The Committee recommends that the State party consider defining a child rights policy, based upon a rights-based approach to implementation of the Convention, and that a single State mechanism be provided with responsibility for the coordination of the Convention's implementation. The Committee recommends, in addition, that the State party encourage NGOs to adopt a rights-based approach to their work on behalf of children.

Monitoring

14. The Committee is concerned that there is no comprehensive monitoring and independent assessment of the Convention's implementation within the State party.

15. The Committee recommends that the State party make use of existing mechanisms, or establish a new mechanism, through which the Convention's overall implementation within the State party can be monitored and assessed. The Committee recommends that such a monitoring mechanism be independent and also provide for individual complaint procedures, including by children.

Data

16. The Committee is concerned at the lack of sufficient disaggregated data on the situation of children and on programmes to implement the Convention.

17. The Committee recommends that the State party improve its collection of disaggregated data with regard to the Convention's implementation and that this information be used for the strengthening of policies, programmes and monitoring with regard to the Convention.

2. Definition of the child

18. The Committee notes the high age of majority, 21 years, in the State party. The Committee is concerned that the State party's domestic legislation discriminates between boys and girls, providing that girls may legally marry without adult consent from age 15 and boys from age 18.

19. The Committee recommends that the State party proceed with efforts to set the age of majority at 18. The Committee recommends that the State party amend its legislation to ensure that both boys and girls are treated equally, and recommends in particular, that the legal age of marriage be fixed for both boys and girls at age 18.

3. General principles

Discrimination

20. The Committee is concerned that discrimination against women in the passing on of parents' nationality persists. The Committee is concerned, in addition, that children born out of wedlock continue to face discrimination with regard to inheritance rights. While noting the State party's efforts in this regard, the Committee is concerned, at information indicating that children of all nationalities are not treated equally.

21. The Committee recommends that the State party pursue its efforts to adopt legislation establishing an equal right for men and women to pass on Monegasque nationality to their children and to ensure that children born out of wedlock benefit from the same rights as children born within marriage. In light of article 12, the Committee recommends further that the State party continue its efforts to ensure that all children, regardless of their nationality, are treated equally.

Respect for the opinions of the child

22. The Committee is concerned that children have insufficient opportunities under law to have their opinions taken into consideration, and that existing legal provisions overly restrict to specific ages those children whose opinions can be considered.

23. The Committee recommends that the State party adopt legislation and practices providing for greater flexibility in the consideration of a child's opinion, in accordance with its evolving capacities, with a view to providing greater opportunities for children to be heard.

4. Civil rights and freedoms

The right to know one's identity

24. The Committee is concerned about the lack of rules concerning in-vitro fertilization and respect for a child's right to know his or her identity.

25. The Committee recommends that the State party consider ways to ensure respect of a child's right to know his or her parents' identities, as far as possible.

Corporal punishment

26. The Committee is concerned that corporal punishment is not prohibited under law.

27. The Committee recommends that the State party prohibit the practice of corporal punishment in the family and conduct information campaigns targeting, among others, parents, children, law enforcement and judicial officials and teachers, explaining children's

rights in this regard and encouraging the use of alternative forms of discipline in a manner consistent with the child's human dignity and in conformity with the Convention, especially articles 19 and 28.2.

Access to information

28. While noting the State party's efforts to protect children from harmful printed and cinematic material, the Committee remains concerned that children may nevertheless be exposed to harmful information through access to the Internet or videos.

29. The Committee recommends that the State party consider further means, including through the provision of advice to parents, of protecting children from information that may be harmful to them.

5. Family environment and alternative care

Social welfare assistance to the family

30. The Committee is concerned that fathers and mothers do not benefit equally from the provision of financial assistance by the State in the context of assistance to families, and that the greater access of mothers to financial aid may lead to discrimination against either, or both, fathers and mothers and have a consequentially negative effect on the rights of their children.

31. The Committee recommends that the State party establish an equal right of fathers and mothers to financial assistance related to the care of their children.

Parental responsibility

32. The Committee is concerned that parental responsibility is not assigned equally, under law, to fathers and mothers and that this may negatively affect the situation of children.

33. The Committee recommends that the State party amend its domestic legislation to ensure that men and women have equal parenting rights.

6. Basic health and welfare

Access to free health assistance

34. The Committee is concerned that while Monegasque children have a right to free health care, domestic legislation and practice do not expressly guarantee the same right to all children in the State party, in particular children from disadvantaged backgrounds and who are neither nationals nor residents of the State party.

35. The Committee recommends that the State party ensure that all children within its jurisdiction are treated equally under the law and recommends in particular that a right to health care be provided to all children.

7. Education, leisure and cultural activities

36. The Committee is concerned that human rights education is not systematically provided in school programmes at all levels. The Committee is concerned, in addition, at the prevalence of violence in schools.

37. The Committee recommends that the State party take steps to ensure the inclusion of human rights education at all levels of school curricula. The Committee recommends further that the State party implement measures to prevent and end violence in schools.

8. Special protection measures

Refugees

38. The Committee is concerned that refugee children and their families may have insufficient access to procedures for claiming refugee status in the State party because of the obligation to first comply with French refugee application procedures, about which concern has been expressed by, among others, the Human Rights Committee.

39. The Committee recommends that the State party make every effort to ensure respect for the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, including through discussions with the relevant French authorities.

Drug abuse

40. The Committee is concerned at drug abuse among children.

41. The Committee recommends that the State party implement measures to prevent and end drug abuse among children and to provide rehabilitative assistance, where needed, to children who have abused drugs.

Child labour

42. Noting the attention given by the State party to children under 16 working in a family context, the Committee is concerned that such work may interfere with children's right to education.

43. The Committee recommends that the State party continue and strengthen its efforts to ensure respect for the rights of children under 16 working in a family context, and particularly the right to education.

Ratification of the Optional Protocols

44. The Committee recommends that the State party consider ratifying the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the Optional Protocol on the involvement of children in armed conflict.

Dissemination of documentation

45. Finally, in light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within all levels of administration of the State party and the general public, including concerned non-governmental organizations.